



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL GRAUER,

Plaintiff,

v.

UBS FINANCIAL SERVICES INC.,
THOMAS REICHERT and
BARRY CONNELL,

Defendants.
-----X

07 CV 5450 (LAP)

ORDER

LORETTA A. PRESKA, United States District Judge:

Following the Court's review of plaintiff's deposition transcript, his testimony at page 228, lines 13 through 21, indicates that he, in fact, testifies to a complaint of disparate treatment, and, accordingly, defendant's motion to quash the third party subpoenas is granted to the extent that the subpoenas seek documents or testimony in addition to those constituting, reflecting or relating to complaints made about Messrs. Grauer and/or Connell from January 1, 2004 to December 31, 2006.

In addition, as the Court orally ruled during the telephone conference on May 19, plaintiff will be permitted to depose a witness on the calculation of the \$217,000 damage figure attributable to Grauer's departure, and Mr. Reichert's deposition may be continued

for up to a half day provided that there are no speaking objections of material previously covered.

SO ORDERED:

Dated: May 28, 2008


LORETTA A. PRESKA, U.S.D.J.